

## ZONING BOARD OF APPEALS

**Wednesday, January 21, 2009**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

### Present:

**ZBA Members:** Alicia DiBenedetto Neubauer  
Aaron Magdziarz  
Craig Sockwell  
Scott Sanders  
Julio Salgado  
Dan Roszkowski

### Absent:

**Staff:** Jessica Roberts - Planner II  
Sandra Hawthorne – Administrative Assistant  
Jon Hollander – City Engineer, Public Works  
Chief Frank Schmitt - Fire Prevention Division  
Attorney Kerry Partridge

**Others:** Kathy Berg, Stenographer  
Applicants and Interested Parties

The meeting started at 6:30 P.M. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the December 16, 2008 meeting as submitted. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0.

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**043-08**      **1405-1407 North Main Street**  
Applicant      City of Rockford Department of Law  
Ward 3      **Revocation of Special Use Permit #102-05** for indoor retail liquor sales by the drink in  
conjunction with a full service restaurant in a C-2, Commercial Community District  
**Laid Over from August, September, October, November, December**

This application has been withdrawn by the applicant.

**048-08**      **3326, 3328 & 3336 Kishwaukee Street**  
Applicant      Robert Lowe  
Ward 6      **Modification of Special Use Permit** for an expansion of used car sales  
**Variation** to reduce the perimeter landscape strip from 10 feet to 7 feet in a C-3,  
Commercial General District  
**Laid Over from October, November & December**

There was concern by the Board that the Applicant was not in attendance, and with the length of time this item was on the agenda.

A **MOTION** was made by Scott Sanders to **DISMISS** the Modification of Special Use Permit for an expansion of used car sales; and to **DISMISS** the Variation to reduce the perimeter landscape strip from 10 feet to 7 feet in a C-3, Commercial General District at 3326, 3328 & 3336 Kishwaukee Street. The Motion was **SECONDED** by Aaron Magdziarz.

Prior to vote, Jessica Roberts, representing Staff, explained that Alderman Leonard Jacobson has requested this item be laid over in an effort to work with the applicant. She further explained the applicant has expanded the car lot to the north, and the existing two-family structure on that property has been made into an office. This was in violation of the original Special Use Permit and is the reason for this application. Landscaping issues are still be discussed with the Applicant, staff, and Alderman Jacobson and this is one of the reasons this item is requesting another layover.

Dan Roszkowski stated if Staff recommended approval, he does not understand why the Applicant is not in attendance. There was also a concern that the Applicant is communicating more with the Alderman of the Ward rather than with Staff.

The Motion and Second stood as made and was **CARRIED** by a vote of 6-0.

**051-08                    16XX, 1601, 1609, 1613, 1619, 1621 Kishwaukee Street  
646 16<sup>th</sup> Avenue**

Applicant            Todd Kudlacik  
Ward 5                **Zoning Map Amendment** from C-1, Limited Office, C-3 General  
Commercial, and R-2, Two-family Residential Districts to C-2, Limited Commercial  
Zoning District  
**Laid Over from October, November & December**

Staff has not had contact from the Applicant as to their intent in pursuing this application since the December meeting. Staff Recommendation was for Denial.

A **MOTION** was made by Scott Sanders to **DISMISS** the Zoning Map Amendment from C-1, Limited Office, C-3 General Commercial, and R-2, Two-family Residential Districts to C-2, Limited Commercial Zoning District at 16XX, 1601, 1609, 1613, 1619, 1621 Kishwaukee Street, and 646 16<sup>th</sup> Avenue. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

**063-08                    301 South Main Street**

Applicant            Mark Palmeri  
Ward 5                **Special Use Permit** for a banquet facility / nightclub in a C-4,  
Urban Mixed-Use Zoning District

Staff Recommendation was for Lay Over of this item.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the Special Use Permit for a banquet facility / nightclub in a C-4, Urban Mixed-Use Zoning District at 301 South Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**064-08                    7801 East State Street**

Applicant            Rapid Graphics & Signs  
Ward 1                **Special Use Permit** for an on-premise electronic graphic display  
sign that exceeds the allowable 36 sq. feet to 136.5 sq. feet  
**Special Use Permit** to allow an additional free-standing sign  
**Variation** to increase the allowable height of a free-standing sign  
from 8 feet to 66 ½ feet along Interstate 90 in a C-3, Commercial General Zoning District

Jerry Morrissey, representing the Applicant, reviewed the requests. This signage is for Clock Tower and Coco Key Resort. Due to financial constraints, the Clock Tower Resort is becoming a Best Western Hotel. Coco Key water park is also part of this development. The Applicants are wanting to tap into the Wisconsin Dells' clientele and feel an increase in sign height will greatly improve visibility from Interstate 90.

Mr. Sanders asked if the existing sign for Coco Key that is on the pylon sign will be removed. Mr. Morrissey was unsure, stating Best Western will make that determination when Clock Tower signage is replaced with Best Western. He stated their plan indicates that there will be some signage removed but he could not speak to Mr. Sander's question specifically. The taller free-standing sign will face I-90. Mr. Sanders had a concern on the frequency of time change on the electronic sign. Attorney Partridge felt it was no less than 8 seconds; upon consulting the Ordinance, he clarified the frequency of change is stated as no less than 10 seconds.

Staff Recommendation was for Approval of all items with 4 conditions. No Objectors were present. Mr. Sanders wished to add condition 5 stating the electronic graphic display shall comply with all elements of the sign ordinance.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for an on-premise electronic graphic display sign that exceeds the allowable 36 sq. feet to 136.5 sq. feet; **APPROVE** the Special Use Permit to allow an additional free-standing sign; and to **APPROVE** the Variation to increase the allowable height of a free-standing sign from 8 feet to 66 ½ feet along Interstate 90 in a C-3, Commercial General Zoning District at 7801 East State Street with added condition 5. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all building and fire codes.
2. That the sign shall be for on-premise advertising.
3. Submittal of Permanent Sign Permit for Staff review and approval.
4. That the sidewalk required along State Street shall be installed prior to issuance of this sign permit.
5. The electronic graphic display fixed image duration shall be no less than ten seconds.

**ZBA 064-08**  
**Findings of Fact for a Special Use Permit**  
**For an On-Premise Electronic Graphic Display Sign**  
**that Exceeds the Allowable 36 Square Feet to 136.5 Feet**  
**In a C-3, Commercial General Zoning District at**  
**7801 East State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 064-08**  
**Findings of Fact for a Special Use Permit**  
**to Allow for an Additional Free-Standing Sign**  
**in a C-3, Commercial General Zoning District at**  
**7801 East State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3 Zoning District in which it is located.

**ZBA 064-08**  
**Findings of Fact for a Variation**  
**to Increase the Allowable Height of a Free-Standing Sign**  
**From Eight Feet to Sixty-Six and One-Half Feet**  
**Along Interstate 90 In a C-3, Commercial General Zoning District at**  
**7801 East State Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.

7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**065-08**                      **3780 East State Street**  
Applicant                  Prasad Bhatt  
Ward 10                    **Modification of Special Use Permit** (Ordinance 1996-238-0) for a teen club with live entertainment and dancing for 18 years+ to include a banquet facility for special events or private parties, service of snacks and non-alcoholic beverages in a C-2, Limited Commercial District

Prior to the meeting, a written request was received by the applicant to Lay Over this item to the February 18<sup>th</sup> meeting.

Staff Recommendation was for Denial.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the Modification of Special Use Permit (Ordinance 1996-238-0) for a teen club with live entertainment and dancing for 18 years+ to include a banquet facility for special events or private parties, service of snacks and non-alcoholic beverages in a C-2, Limited Commercial District at 3780 East State Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 6:50 PM

Respectfully submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals